



Case Report

1	Case Number	0141/17
2	Advertiser	Sonos Australia Pty Ltd
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Hooliganism-vandalism-graffiti

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a woman standing outside an apartment complex. Residents in a number of residences, other than the building in front of which the woman stands, are depicted, each showing a scene of "silence". The woman throws a Sonos PLAY:1 speaker towards the building in front of her. The speaker shatters a sheet of glass in front of a black background with the phrase, "Wake up the Silent Home" displayed on screen.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The incoherent presentation was a mix of a young moronic person associating with an act of vandalism by a young frustrated male in anger. Such a presentation imparts to younger individuals that it is OK and normal to violently smash somebody's window by throwing some object at it. To normalise an act such as this only adds to the problems we already have where a generation seriously lacks skills and has a poor attitude toward other people and their property, plus a lack of respect for the community generally. It surprises me that this advertisement is being broadcast to air being apparently created by a very immature person. And to play this ad three times in succession makes this much worse. It is moronic to say the least. I strongly object to this tendency to break down yet further the morality of the community which only contributes to a further downslide in attitude.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

We are writing to respond to the Advertising Standards Bureau letter dated (the "Letter") and the complaint enclosed with that letter (the "Complaint"). The crux of the Complaint appears to be the assertion that: "Such a presentation imparts to younger individuals that it is OK and normal to violently smash someone's window by throwing some object at it".

We would submit that the advertisement in question does not breach the AANA Code.

Description and purpose of the Advertisement

The advertisement that is the subject of the complaint is a digital video available on Sonos' YouTube page and is being run as an advertisement on various "Catch Up TV" platforms, on Sky News" and CNN's digital video properties, on YouTube.com and on Sonos' Facebook and Instagram feeds. The videos are currently scheduled to run from 10 March 2017 to 6 April 2017, however we only ran the advertisement on Facebook and Instagram on 10 March 2017.

The advertisement depicts a woman standing outside an apartment complex. A voiceover from the woman laments the residents' lack of personal interaction due to their individual interaction with their personal electronic devices. Residents in a number of residences, other than the building in front of which the woman stands, are depicted, each showing a scene of "silence". The woman throws a Sonos PLAY:1 speaker towards the building in front of her. The speaker shatters a sheet of glass in front of a black background with the phrase, "Wake up the Silent Home" displayed on screen. Thereafter, with upbeat music playing in the background, those same residents are shown interacting with each other in a number of ways, such as sharing a meal or dancing, each facilitated by the presence of one or more Sonos speakers (presumably playing music).

The purpose of the advertisement is to present a theme of encouraging the public to listen out loud and come together to create homes filled with life, love and music. As a society we've become isolated in our individual bubbles, glued to our screens and tethered to our headphones, creating silent homes. Sonos is using the advertisement to make sure the world knows about this problem and to bring soul back to our homes by filling every home with music.

Compliance with the AANA Code

As requested, we have reviewed and considered provisions 2.1 to 2.6 of the AANA Code. We believe it is self-evident that none of provisions 2.1, 2.2, 2.4 or 2.5 have been breached. We also believe that the provisions 2.3 and 2.6 have not been breached, which we have addressed in greater detail below.

We would also note that the Complaint describes the protagonist as "disturbed" or "moronic".

Assuming that the Complaint is inferring that the protagonist is suffering from a mental health condition, we would submit that any reasonable person would believe that the protagonist is depicted as the person who is most conscious of her own surroundings and situation, as well as those of the other residents shown in the advertisement, and is neither disturbed nor moronic.

The issue of the advertisement being played three times in succession is not an issue caused by the advertiser. The provider of the catch-up service is responsible for its operation and this is a standard media placement for that service.

Provision 2.3

Provision 2.3 of the AANA Code states that "advertising and marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised". We note that the complainant's assertion is that violence is shown by the protagonist smashing another person's window in an act of anger.

The Board has previously stated in case numbers 0256/16 and 0293/15 that violence in advertising can be justified if the impact that it has on the viewer is mild, it does not depict a person in pain or being injured, and the action is not of an aggressive nature. The Board has gone on to state that it will not consider advertisements to be violent if they are not overly aggressive, are light-hearted in nature and are not aimed at a specific individual.

Given the price of relevant Sonos equipment, and as that the protagonist is also clearly an adult, the advertisement is clearly targeted at adults. The advertisement depicts a fantastical dystopian scene that prompts intervention by the protagonist and the scene in question is clearly meant to be taken as a metaphor.

During the scene in question, the speaker is thrown into a sheet of glass that is in front of a black background. Except for the protagonist who has thrown the speaker, there is no one else in the scene. Despite the assertion in the Complaint, there is no "young frustrated male in anger" depicted.

In reply to the Complaint:

- we note that the protagonist is female;*
- we note that there is no "anger" depicted, save that the protagonist is shown exerting effort in throwing the speaker; and*
- we further refer to comments elsewhere in this response.*

We note that the speaker is not thrown towards any specific individual(s), and no individual is depicted as being injured by either the speaker or the glass that has shattered, or even that the event in question has occurred. There is no suggestion of menace. Indeed, all of the residents in the later scenes are depicted as enjoying their improved lot by the presence of the speaker(s) with no evidence of damage.

The advertisement and the scene in question is a clear metaphor and we would submit that no violence has been depicted in the advertisement and that no breach of provision 2.3 of the

AANA Code has occurred.

Provision 2.6

Provision 2.6 of the AANA Code states that "advertising or marketing communications shall not depict material contrary to Prevailing Community Standards on health and safety". For good measure, we address the Complaint in this context as well.

The advertisement does not depict material contrary to Prevailing Community Standards. We are of the view that, having regard to community standards, a reasonable viewer would accept that this material neither glorifies or condones damage to another person's property but in fact depicts a metaphor, which the complainant also acknowledges.

A reasonable viewer would therefore:

- not be encouraged to throw sound equipment worth several hundred dollars anywhere;*
- not take the scene as encouraging the throwing of any object at a window in a realistic situation;*
- note that no person or object is shown as suffering from the act of the protagonist; and*
- indeed, note that the residents depicted have improved lives by using Sonos products.*

The behaviour shown by the woman was not of a threatening nature, was not undertaken in front of an audience, and was not directed at a specific individual. We therefore submit that the advertisement is in line with Prevailing Community Standards on health and safety and that no breach of provision 2.6 of the AANA has occurred.

Conclusion

With reference to the above, we submit that the advertisement in question does not breach the AANA Code.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement depicts blatant vandalism which is violent and inappropriate.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the advertisement features various scenes within a home that involve friends and family together but in silence. A woman outside the home looks in and the voiceover from the mind of the woman talks about ‘breaking the silence.’ The woman then throws a speaker toward the house and it shatters the window. The people are then seen carrying out activities but with lots of sound and noise around them.

The Board noted the Practice Note to the Code which states that “The Board has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code.”

In this case, the Board considered that the depiction of a woman standing outside a house looking in is mildly menacing but in the context of the whole advertisement and her following actions of throwing the speaker and bringing sound into the home, the Board considered that the level of menace is quickly mitigated.

The Board noted the complainants’ concerns that the advertisement depicts an act of blatant vandalism which could encourage copycat behaviour.

The Board noted that it had considered advertisements where unrealistic, exaggerated scenarios were portrayed (0256/16 and 0293/15). In these matters the Board considered that it was “...clearly an exaggerated depiction using an unrealistic scenario, to promote a product. The Board noted that no-one is hurt in the advertisement and considered that there is no suggestion that the actions should be encouraged or condoned.”

In the Board’s view, the current advertisement is not encouraging or condoning the act of vandalism. The Board noted that the depiction of the glass breaking is linked to the concept and words of ‘breaking the silence.’ The Board noted that the speaker is not thrown in an act of revenge or anger toward any one person or persons and that the suggestion is to stop using individual devices within the home and break the silence and start communicating with one another again.

The Board considered that the advertisement is not intended to generate fear but rather to highlight the need to communicate.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.